



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – JUNE 19, 2007

MID MONTH BOARD MEETING MINUTES¹

JUNE 19, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Sean Harrigan, President
Anne Sheehan, Vice President
Patricia Clarey, Member
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose

- A.** SPB, DPA and various departments will be conducting a 2-day off-site to plan the HR Modernization project.
- B.** Mr. Costigan and the Executive Officer held a “Meet and Greet” with various unions on May 25, 2007. The unions expressed several concerns with SPB’s Appeals Division and, specifically, the discipline cases. The cases are taking too long to be heard. The Executive Officer will be looking at the improvements to the entire appeals process.
- C.** Another area of focus will be the exams process. SPB has several written and unwritten policies pertaining to exams and appointments. The staff will be reviewing these policies and procedures to determine whether they are based in law and whether they need to be adopted by regulation. The advantage of the regulatory process is that interested persons have an opportunity to provide input, and the Board, therefore, has the benefit of different perspectives before setting policy that impacts the stakeholders.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

- A.** The *Plata* Receiver has filed a reply to the SPB’s response concerning proposed changes to the disciplinary process for the Department of Corrections and Rehabilitation physicians. A discussion will be conducted in closed session concerning the options available to the SPB concerning responding to the Receiver’s reply.

¹ The Minutes for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

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- B. The SPB staff received a request from the Department of Finance for information concerning the creation of two new Career Executive Assignment classifications for the Department of Corrections and Rehabilitation that are required as the result of a June 12, 2007, order from the federal court in *Perez, et al. v. Hickman, et al.* Staff will discuss the matter in closed session with the Board Members.
- C. The resolution recently issued by the Board permitting the use of three-rank eligibility lists by the Department of Corrections and Rehabilitation as the result of an order from the federal court in Coleman has been implemented.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Stephanie Ramirez-Ridgeway for Sherry Evans

- AB 67 (Dymally), relating to the Dymally-Alatorre Bilingual Services Act, will be heard in Senate Public Employment and Retirement Committee on Monday. Laura Aguilera will appear at the hearing to answer any questions.
- AB 671 (Beall), relating to foster youth, will be amended to establish an extended examination period akin to the LEAP program for disabled individuals. Laura Aguilera has been in contact with the member's staff and will brief the Board in closed session.
- AB 1702 (Blakeslee), relating to the Department of Transportation's demonstration project, will be amended again so that it is consistent with the amendments we submitted.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126(c)(3), and 18653.]
(See Action Taken on Pages 11–17)

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.

[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

Colocousis, et al. v. State Personnel Board, et al.

Sacramento Superior Court Case No. 07CS00461

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.

[Government Code section 18653.]

NO ACTION

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.

[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF JULY 10-11, 2007, IN SACRAMENTO, CALIFORNIA

NONE

BOARD ACTIONS:

12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF MAY 18, 2007

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

13. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 11–20

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes on Pages 25–26)

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

15. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 20–22

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On June 19, 2007, the following proposals were presented to the Board by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

PSYCHOLOGIST CLASSIFICATIONS

The Department of Personnel Administration (DPA) proposes revisions to fifteen various Psychologist classifications working in correctional and health facility settings including: revisions to the “Minimum Qualifications” (MQ) to comply with changes in licensure requirements pursuant to Assembly Bill 1975 (2000); adding an early entry feature into the Psychologist-Clinical Correctional Facility; revising the MQs for Senior Psychologist, Correctional Facility (Supervisor) and Senior Psychologist (Health Facility) (Supervisor) to be a licensed psychologist; and minor revisions to update language within the classes.

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE PRESENTED

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE PRESENTED

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

- A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

ASSISTANT EXECUTIVE OFFICER, OFFICE OF CLIMATE CHANGE

The Air Resources Board proposes to re-allocate the existing CEA position titled Program Manager, Greenhouse Gas Emission Reduction to the above position. The Assistant Executive Officer, Office of Climate Change, is responsible for the development of policies and strategies to implement an economy wide program that will achieve greenhouse gas reduction targets set forth in Chapter 488, Statutes of 2006 (AB 32, Pavley and Nunez).

**EXECUTIVE CONSOLIDATION OFFICER
CHIEF CONSOLIDATION TECHNOLOGIST**

The Department of Technology Services proposes to extend the original twenty four month limited term approval for the two existing CEA positions listed above for an additional twelve months. The Executive Consolidation Officer develops significant departmental policy resulting from the consolidation of Teale, HHSDC and the Office of Network Services. The Chief Consolidation Technologist is responsible for development of IT policy, strategy planning, and oversight of all technical endeavors required for successful data center consolidation.

ASSISTANT GENERAL MANAGER (AGM), ADMINISTRATION AND MARKETING DIVISION

The Prison Industry Authority proposes to reallocate the existing CEA position titled Assistant General Manager (AGM), Marketing Division to the above position. The Assistant General Manager (AGM), Administration and Marketing, has direct responsibility for ensuring that critical support services are provided to the primary program areas responsible for manufacturing, research and design, and sales of Prison Industry Authority products.

DEPUTY DIRECTOR, SAFETY AND RELIABILITY, CONSUMER PROTECTION AND SAFETY DIVISION

The Public Utilities Commission proposes to allocate the above position to the CEA category. The Deputy Director, Safety and Reliability, Consumer Protection and Safety Division formulates and implements policy relative to safety and reliability of electricity, natural gas, railroads, rail transit systems and rail crossings.

DEPUTY DIRECTOR, CONSUMER PROTECTION AND ELECTRIC GENERATION, CONSUMER PROTECTION AND SAFETY DIVISION

The Public Utilities Commission proposes to re-allocate the existing CEA allocation titled Deputy Director, Consumer Protection and Safety Division to the above position. The Deputy Director, Consumer Protection and Electric Generation serves as the chief policy development and technical advisor on the implementation of a systems approach to consumer protection, electric generation performance and administration.

PUBLIC AFFAIRS AND COMMUNICATIONS, STATE CONTROLLER'S OFFICE

The State Controller's Office proposes to allocate the above position to the CEA category. The Public Affairs and Communications position communicates the Office of the State Controller's statewide policy direction relative to the financial status of the State of California to Underwriters, Rating Syndicates, the State Legislature, Bonding Syndicates, Special Boards and Commissions, Local Governments, Special Districts, National Financial Institutions, and California citizenry.

PROGRAM DIRECTOR, INMATE DENTAL SERVICES PROGRAM, DEPARTMENT OF CORRECTIONS & REHABILITATION

The Department of Corrections & Rehabilitation proposes to allocate the above position to the CEA category. The Project Director, Inmate Dental Services Program (IDSP), manages strategic planning, project implementation, performance management, implementing and setting policy for IDSP.

PROJECT MANAGER, ELECTRONIC ADJUDICATION MANAGEMENT SYSTEMS, DEPARTMENT OF INDUSTRIAL RELATIONS

The Department of Industrial Relations proposes to allocate the above position to the CEA category. The Project Manager, Electronic Adjudication Management Systems, will work closely with internal program and technical staff and an outside contractor and direct the development and implementation of an electronic database system to automate the various processes of the state's workers' compensation system.

DEPUTY CHIEF, DIVISION OF LAND RESOURCE PROTECTION

The Department of Conservation proposes to establish the above position to the CEA category. The Deputy Chief, Division of Land Resource Protection (DLRP) is instrumental in the development and implementation of the policies of the Resources' Agency and the Director as they relate to agricultural land, and in the interpretation of policies established by the Legislature, the courts, the legal opinions that pertain to the Williamson Act and the Open Space Subvention Act.

EXECUTIVE PROJECT DIRECTOR, HR MODERNIZATION PROJECT, DEPARTMENT OF PERSONNEL ADMINISTRATION

The Department of Personnel Administration proposes to allocate the above position to the CEA category. The Executive Project Director, HR Modernization Project, is a key member of a team of project managers responsible for the successful development of policies and implementation of the HR Modernization Project.

DEPUTY PROJECT DIRECTOR, CLASSIFICATION AND COMPENSATION, HR MODERNIZATION PROJECT, DEPARTMENT OF PERSONNEL ADMINISTRATION

The Department of Personnel Administration proposes to allocate the above position to the CEA category. The Deputy Project Director, Classification and Compensation, HR Modernization Project, has the responsibility of establishing statewide policies related to reforming classification, compensation, and performance management in the design and development of major HR system structures and processes.

DEPUTY PROJECT DIRECTOR, RECRUITMENT AND SELECTION, HR MODERNIZATION PROJECT, DEPARTMENT OF PERSONNEL ADMINISTRATION

The Department of Personnel Administration proposes to allocate the above position to the CEA category. The Deputy Project Director, Recruitment and Selection, HR Modernization Project, has the responsibility of establishing program policy and direction in the development of recruitment, marketing, test design and development, exam administration, certification of eligible candidates.

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**DEPUTY PROJECT DIRECTOR, SYSTEM AUTOMATION,
HR MODERNIZATION PROJECT, DEPARTMENT OF
PERSONNEL ADMINISTRATION**

The Department of Personnel Administration proposes to allocate the above position to the CEA category. The Deputy Project Director, System Automation, HR Modernization Project, will make policy level determinations for revisions to the HR Infrastructure system changes for one of the most critical redesign efforts in the State's IT field. The position will serve as the focal point of contact regarding project status, meetings, reporting requirements, scope changes/extensions, project risk, and financial, administrative, and technical issues; as well as the concerns raised by executive management and/or control agencies.

**CHIEF, SYSTEMS OF CARE DIVISION, DEPARTMENT OF HEALTH
SERVICES**

The Department of Health Services proposes to allocate the above position to the CEA category. This position oversees the development of comprehensive systems of care for vulnerable populations with chronic health conditions to better create effective and efficient delivery systems that improve health care options and reduce health care costs. The position establishes policies in accordance with federal and state policy, regulations, and/or statute so individuals can receive safe and appropriate home care in lieu of long-term institutional placement.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

***PLATA* REGIONAL PERSONNEL OFFICER, NORTHERN
PLATA REGIONAL PERSONNEL OFFICER, SOUTHERN
PLATA REGIONAL PERSONNEL OFFICER, CENTRAL**

The California Department of Corrections and Rehabilitation's proposal on behalf of the Federal Receiver's Office to allocate the above titled positions to the CEA category has been approved effective May 10, 2007.

**ASSISTANT ASSOCIATE SECRETARY, OFFICE OF LEGISLATIVE
AFFAIRS**

The California Health and Human Services Agency's proposal to allocate the above position to the CEA category has been approved for a period of twelve months effective May 18, 2007.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 23–24

A D J O U R N M E N T

June 19, 2007

WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 – 15 AS NOTED.

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On June 19, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 06-0235A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Oral argument heard June 5, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 05-2888PA

Appeal from dismissal

Classification: Staff Services Analyst (General)

Department: Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.

Oral argument heard June 5, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

June 19, 2007

(3) CASE NO. 06-1814

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

ACTION: The Board adopted the ALJ's Proposed Decision dismissing the discipline on the grounds that the notice of adverse action was not timely served.

(4) CASE NO. 05-0929PA

Appeal from rejection during probation

Classification: Health Program Manager I

Department: Department of Health Services

Petition for Rehearing granted February 20, 2007.

Oral argument heard May 8, 2007.

Case ready for decision by FULL Board.

NO ACTION

(5) CASE NO. 05-1067A

Appeal from dismissal

Classification: Investigator

Department: Department of Motor Vehicles

Proposed decision rejected January 9, 2007.

Oral argument heard May 8, 2007.

Case ready for decision by FULL Board.

NO ACTION

(6) CASE NO. 04-2919ERPA

Appeal from discrimination and retaliation

Classification: Physician and Surgeon

Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted February 20, 2007.

Oral argument heard May 8, 2007.

Case ready for decision by FULL Board.

NO ACTION

June 19, 2007

(7) CASE NO. 05-0927BA

Appeal for back salary determination

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.

Oral argument heard April 3, 2007.

Case ready for decision by FULL Board.

NO ACTION

(8) CASE NO. 06-1310

Appeal from 14 working days suspension

Classification: Regional Administrator

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

ACTION: The Board adopted the ALJ's Proposed Decision dismissing the discipline on the grounds that the notice of adverse action was not timely served.

B. CASES PENDING

ORAL ARGUMENTS

NONE PRESENTED

C. CHIEF COUNSEL RESOLUTIONS

On June 19, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 05-3741

Appeal from dismissal

Classification: Medical Technical Assistant, CF

Department: Department of Corrections and Rehabilitation

Request for Order to Show Cause against Department of Corrections and Rehabilitation

ACTION: SUBMITTED

COURT REMANDS

NONE PRESENTED

STIPULATIONS

NONE PRESENTED

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On June 19, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) CASE NO. 06-3949**
Appeal from demotion
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the demotion.
- (2) CASE NO. 04-2279B**
Appeal from back pay determination
Classification: Caltrans Maintenance Supervisor
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision granting the appellant's request for back pay.
- (3) CASE NO. 06-3534**
Appeal from constructive medical termination
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services
ACTION: The Board adopted the ALJ's Proposed Decision denying the appellant's appeal.
- (4) CASE NO. 05-4029**
Appeal from 60 work days suspension
Classification: Associate Warden
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.
- (5) CASE NO. 06-2612**
Appeal from for 13 working days suspension
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspension.

- (6) **CASE NO. 06-2447**
Appeal from dismissal
Classification: Accounting Officer (Specialist)
Department: Employment Development Department
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (7) **CASE NO. 05-3317**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (8) **CASE NO. 06-3512**
Appeal from five percent reduction in salary for 36 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the reduction in salary.
- (9) **CASE NO. 06-1732**
Appeal from 10 percent reduction in salary for 12 pay periods
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: SUBMITTED
- (10) **CASE NO. 06-4036**
Appeal from dismissal
Classification: Psychiatric Technician
Department: Department of Developmental Services
ACTION: The Board remanded the case back to the ALJ with instructions to prepare a new Proposed Decision that more particularly describes appellant's alleged striking of a disabled client.
- (11) **CASE NO. 06-2125**
Appeal from ten percent reduction in salary for twelve qualifying pay periods
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision dismissing the reduction in salary.

June 19, 2007

(12) CASE NO. 06-2143

Appeal from five percent reduction in salary for thirty-six qualifying pay periods

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision modifying the reduction in salary.

(13) CASE NOS. 03-2436 & 04-0889

Appeal from four work weeks suspension and two work weeks suspension

Classification: Corporations Counsel

Department: Department of Corporations

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the suspensions.

(14) CASE NO. 06-2984

Appeal from 36 working days' suspension

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision modifying the suspension.

(15) CASE NO. 05-0686E

Appeal from denial for request for reasonable accommodation and disability discrimination

Classification: Office Assistant (General)

Department: California Highway Patrol

ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeals.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On June 19, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 05-3477P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (2) **CASE NO. 02-3688RPA**
Appeal from constructive medical termination
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (3) **CASE NO. 96-4440P**
Appeal from dismissal
Classification: Licensing Program Analyst
Department: Department of Social Services
ACTION: Petition for rehearing denied.
- (4) **CASE NO. 06-2622P**
Appeal from non-punitive termination
Classification: Clinical Social Worker
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

June 19, 2007

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Oral argument originally set April 3, 2007, Sacramento.

Continued to July 10-11, 2007, Sacramento.

NO ACTION

(2) CASE NO. 03-3412A

Appeal from rejection during probation

Classification: Correctional Counselor II (Supervisor)

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 3, 2007.

Pending oral argument July 10-11, 2007, Sacramento.

NO ACTION

(3) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Oral argument originally set February 6-7, 2007, Los Angeles.

Continued to July 10-11, 2007, Sacramento.

NO ACTION

(4) CASE NO. 06-3023A

Appeal from ten percent reduction in salary for three months

Classification: Psychiatric Technician

Department: Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Pending oral argument August 7-8, 2007, Los Angeles.

NO ACTION

June 19, 2007

(5) CASE NO. 05-1285A

Appeal from dismissal

Classification: Public Safety Dispatcher II

Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Oral argument originally set June 5, 2007, Sacramento.

Oral argument continued.

NO ACTION

(6) CASE NO. 06-1338A

Appeal from rejection during probation

Classification: Industrial Relations Counsel III (Specialist)

Department: Department of Industrial Relations

Proposed decision rejected May 8, 2007.

Pending transcript.

NO ACTION

(7) CASE NO. 05-1432E

Appeal from denial of sexual harassment complaint

Classification: Health Facilities Evaluator Nurse

Department: Department of Health Services

Proposed decision rejected June 5, 2007.

Pending transcript.

NO ACTION

(8) CASE NO. 06-0738A

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 18, 2007.

Pending transcript.

NO ACTION

(9) CASE NO. 06-2010A

Appeal from medical termination

Classification: Administrative Support Coordinator II

Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Pending transcript.

NO ACTION

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(10) CASE NO. 07-1381A

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 5, 2007.

Pending transcript.

NO ACTION

(11) CASE NO. 05-1043P

Appeal from dismissal

Classification: Tax Counsel, Range D

Department: Board of Equalization

Petition for rehearing granted June 5, 2007.

Pending transcript.

NO ACTION

(12) PSC NO. 06-03, CASE NO. 07-0806PA

Appeal from Executive Officer's disapproval of Unarmed Security Guard Services

Department: California Highway Patrol

Petition for rehearing granted May 8, 2007.

NO ACTION

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE PRESENTED

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On June 19, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 06-0220**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: GRANTED
- (2) **CASE NO. 06-1086**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failure to provide pertinent information and documentation.
ACTION: DENIED
- (3) **CASE NO. 06-1379N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; missing requested documentation and information.
ACTION: DENIED
- (4) **CASE NO. 06-0399N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; job termination within one year of CDCR application.
ACTION: DENIED
- (5) **CASE NO. 06-1297**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; failure to meet legal obligations.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE PRESENTED

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**C. EXAMINATION APPEALS
 MINIMUM QUALIFICATIONS
 MERIT ISSUE COMPLAINTS**

NONE PRESENTED

**D. RULE 211 APPEALS
 RULE 212 OUT OF CLASS APPEALS
 VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board was presented recommendations by a Staff Hearing Officer for final decision on each appeal.

On June 19, 2007, the Board adopted, as indicated below, the following item as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 06-1914N

Department: Board of Equalization

Issue: Was the appointment of the appellant properly voided based on the fact that the appellant did not have list eligibility to the Secretary classification based on Government Code Section 19055.

ACTION: The Board issued a special resolution for this case.

E. REQUEST TO FILE CHARGES CASES

NONE PRESENTED

PETITIONS FOR REHEARING CASES

NONE PRESENTED

June 19, 2007

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures.

(Hearing held July 7, 2004.)

NO ACTION

6. CASE NO. 06-1814

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

ACTION: The Board adopted the ALJ's Proposed Decision dismissing the discipline on the grounds that the notice of adverse action was not timely served.

7. CASE NO. 06-1310

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

ACTION: The Board adopted the ALJ's Proposed Decision dismissing the discipline on the grounds that the notice of adverse action was not timely served.

June 19, 2007

8. CASE NO. 05-3741

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

NO ACTION

9. CASE NO. 05-0927BA

Appeal for back salary determination. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

NO ACTION

10. CASE NO. 05-0929PA

Appeal from rejection during probation. Health Program Manager I. Department of Health Services. (Oral argument held May 8, 2007.)

NO ACTION

11. CASE NO. 05-1067A

Appeal from dismissal. Investigator, DMV. Department of Motor Vehicles. (Oral argument held May 8, 2007.)

NO ACTION

12. CASE NO. 04-2919ERPA

Appeal from discrimination and retaliation. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held May 8, 2007.)

NO ACTION

13. HEARING – GOVERNMENTAL PROGRAM ANALYST

The State Personnel Board in consultation with the Department of Personnel Administration proposes the establishment of the new classification of Governmental Program Analyst. (Hearing held May 8, 2007.)

NO ACTION

14. CASE NO. 05-2888PA. Appeal from dismissal. Staff Services Analyst (General). Department of Consumer Affairs. (Oral argument held June 5, 2007.)

NO ACTION

15. CASE NO. 06-0235A. Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held June 5, 2007.)

NO ACTION

16. CASE NO. 06-1732. Appeal from 10 percent reduction in salary for 12 pay periods. Correctional Sergeant. Department of Corrections and Rehabilitation. (Presented to the Board June 19, 2007.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on June 19, 2007.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

A handwritten signature in cursive script, appearing to read "Suzanne M. Ambrose", written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board